

**Federal Defenders
OF NEW YORK, INC.**

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MEMO ENDORSED

March 31, 2020

P2

By ECF

The Honorable Richard M. Berman
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY. 10007

RE: *United States v. Bautista, et al, 20 cr. 14 (RMB)*

Honorable Judge Berman,

With the consent of the Government, I write on behalf of my client, Mr. Leonardo Bautista, in advance of the pretrial conference scheduled in the above-captioned matter for Tuesday, April 7, 2020 at 2 P.M. to respectfully request that Mr. Bautista's presence at that hearing be waived.

The Government and Mr. Bautista have reached an agreement in principle to resolve this matter short of trial. Mr. Bautista is eligible for the safety valve, and the next step to resolving his case is to conduct the safety valve proffer. However, given the present extraordinary circumstances around the COVID-19 pandemic and the measures in place to minimize the potential for transmission, the parties are working to arrange for that proffer in the most efficient and expeditious manner that does not expose any participant to the risk of exposure to the coronavirus.

Similarly, we understand that the Court would prefer that counsel appearing remotely should be in the same room with their client. We respectfully request that Mr. Bautista's presence be waived for the upcoming pretrial conference so that he may continue to observe the current shelter in place order, and not be required to take public transportation to the offices of the Federal Defenders of New York in order to be on the line for the conference. Should the Court grant this request, it would allow undersigned counsel to attend the hearing remotely while sheltering in place, as well.

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Finally, it is my understanding that Mr. Bautista is in compliance with the terms of his pretrial release, and that, on the Government's consent, the terms of his release were modified to remove the condition of location monitoring.

Thank you for considering this request.

Respectfully Submitted,

/s/

Christopher A. Flood
Assistant Federal Defender
Counsel for Mr. Leonardo Bautista

cc: All counsel, by ECF

Application to waive MR.

Bautista's appearance

on 4/2/20 is granted

on Consent

SO ORDERED:
Date: 4/1/20 Richard M. Berman
Richard M. Berman, U.S.D.J.